

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of) CA 03-30
)
EDWARD Y.C. CHUN,)
)
Respondent)
)
)
)

344371

CONCILIATION AGREEMENT

THIS CONCILIATION AGREEMENT is made this 29th day of September, 2003 by and between the Campaign Spending Commission ("Commission") for the State of Hawaii and EDWARD Y.C. CHUN ("Respondent").

WHEREAS, the Campaign Spending Commission initiated an investigation pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission, and

WHEREAS, Section 11-204(1)(1)(B), HRS reads in part as follows:

No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to: ...A candidate seeking nomination or election to a four year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000.00 during an election period, and the Commission alleges a violation of thereof, and

WHEREAS, Section 11-204(h), HRS reads in part as follows:

No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property, and the Commission alleges a violation of thereof, and

WHEREAS, the Commission has alleged:

That on or about August 16, 1996, Vernon Ikebe, an employee of Food Panty, Inc. made a contribution to the "Jeremy Harris Campaign" in the amount of \$4,000.00, and

That on or about January 20, 2000, Darcy Takushi, an employee of Food Panty, Inc. made a contribution to "Harris 2000 Campaign Committee" in the amount of \$2,500.00, and

That on or about January 21, 2000, Andrew Kawano, an employee of Food Panty, Inc. made a contribution to "Harris 2000 Campaign Committee" in the amount of \$2,500.00, and

That the funds for the contributions made by Messrs. Ikebe, Kawano and Takushi were provided by Food Panty, Inc. and

That Food Panty, Inc. provided the funds for the contributions, relying upon advice given by Respondent, in his capacity as legal counsel to Food Panty, Inc., that

such contributions could be made without being in violation of the campaign spending law, and

WHEREAS, notwithstanding that neither intent nor motivation is of any consequence to the Commission, Respondent nevertheless acknowledges that in advising Food Pantry, Inc. regarding the subject contributions, Respondent was not aware of the provisions of Sections 11-202 or 11-204, H.R.S., and did not review Chapter 11, H.R.S. to determine whether such advice was correct; and Respondent further acknowledges that such a review, under the circumstances, would have been appropriate, and

WHEREAS, the Commission alleges a violation of Section 11-202, H.R.S. and

WHEREAS, the Commission alleges a violation of Section 11-204, H.R.S.

NOW THEREFORE, the Campaign Spending Commission for the State of Hawaii and Respondent AGREE as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this administrative action.

II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondent pursuant to section 11-216(g), HRS.

III. That Respondent had a reasonable opportunity to demonstrate that no action should be taken in this matter.

IV. That Respondent has cooperated fully and completely with the Commission.

V. That Respondent waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b) HRS.

VI. That Respondent enters into this agreement with the Commission on his own volition and with full knowledge and understanding.

VII. As full and final settlement of the matter and issues in the Conciliation Agreement, Docket No. 03-30, Respondent shall pay an assessment of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) to the Commission, the terms of payment of the assessment by order of the Commission, pursuant to section 11-228 HRS.

VIII. Respondent agrees to comply with campaign finance statutes on contributions and expenditures to candidate committees.

IX. The Commission on its own motion or a written request of anyone filing a complaint under section 11-216 HRS, may review compliance with this agreement. If based thereupon the Commission has good cause to believe that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c) HRS.

X. This agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire agreement.

XI. This Conciliation Agreement constitutes the entire agreement between the Commission and the Respondent on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Conciliation Agreement made by either party or by agents of either party shall be enforceable.

XII. This Conciliation Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

ROBERT Y. WATADA
Executive Director



10-09-2003
Date

BY THE RESPONDENT


EDWARD Y.C. CHUN

Sept. 29, 2003
Date